

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE TERMINATION OF PARENTAL RIGHTS AS TO J.C. AND L.C.,

No. 2 CA-JV 2022-0122
Filed May 12, 2023

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 602(i)(17).

Appeal from the Superior Court in Pinal County
No. S1100JD202000301
The Honorable Barbara A. Hazel, Judge Pro Tempore

AFFIRMED

COUNSEL

Janelle A. Mc Eachern, Chandler
Counsel for Appellant

Kristin K. Mayes, Arizona Attorney General
By Dawn R. Williams, Assistant Attorney General, Tucson
Counsel for Appellee Department of Child Safety

MEMORANDUM DECISION

Vice Chief Judge Staring authored the decision of the Court, in which Judge Sklar and Judge O’Neil concurred.

S T A R I N G, Vice Chief Judge:

¶1 Jackson C.-R. appeals from the juvenile court’s order terminating his parental rights to his children, J.C., born June 2020, and L.C., born May 2021, on time-in-care grounds. We affirm.

¶2 We view the facts in the light most favorable to upholding the juvenile court’s ruling. See *Michael J. v. Ariz. Dep’t of Econ. Sec.*, 196 Ariz. 246, ¶ 20 (2000). The Department of Child Safety (DCS) removed J.C. from his parents’ care in October 2020 and found him dependent as to Jackson based on Jackson’s marijuana abuse, domestic violence, neglect, and alleged sexual abuse.¹ L.C. was removed from her parents’ care shortly after her birth and found dependent based on Jackson’s failure to make progress in the dependency as to J.C.

¶3 During the pending dependencies, Jackson continued to engage in domestic violence. And his participation in services was limited and sporadic—he did not participate in domestic-violence counseling, consistently submit to drug testing, or reliably attend other counseling appointments, eventually stopping altogether. He did not consistently visit his children.

¶4 In June 2022, DCS moved to terminate Jackson’s parental rights to J.C. and L.C. on time-in-care grounds under A.R.S. § 8-533(B)(8)(a) and (c). After a contested hearing in September 2022, the juvenile court granted DCS’s motion as to both grounds and found termination was in the children’s best interests.² This appeal followed.

¶5 On appeal, Jackson broadly argues the juvenile court “clearly erred” by finding he had “failed to remedy the circumstances which

¹The criminal investigation into the alleged sexual abuse was closed when J.C.’s mother told police she did not wish to pursue charges.

²The juvenile court also terminated the parental rights of the children’s mother. She is not a party to this appeal.

brought his children into care.” To terminate a parental relationship, the juvenile court must find by clear and convincing evidence at least one of the grounds for termination in § 8-533(B) and by a preponderance of the evidence that termination is in the child’s best interests. *Alma S. v. Dep’t of Child Safety*, 245 Ariz. 146, ¶ 8 (2018). “The juvenile court, as the trier of fact in a termination proceeding, is in the best position to weigh the evidence, observe the parties, judge the credibility of witnesses, and make appropriate findings.” *Jesus M. v. Ariz. Dep’t of Econ. Sec.*, 203 Ariz. 278, ¶ 4 (App. 2002). We do not reweigh the evidence and will look only to determine if there is reasonable evidence to sustain the court’s ruling. See *Mary Lou C. v. Ariz. Dep’t of Econ. Sec.*, 207 Ariz. 43, ¶ 8 (App. 2004). We will affirm the court’s ruling unless it is clearly erroneous. See *Demetrius L. v. Joshlynn F.*, 239 Ariz. 1, ¶ 9 (2016).

¶6 Under § 8-533(B)(8)(a), termination is warranted if the child is in a court-ordered, out-of-home placement for nine months or longer and “the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.” A juvenile court may terminate a parent’s rights under § 8-533(B)(8)(c) if the out-of-home placement has continued for fifteen months or longer and “the parent has been unable to remedy the circumstances that cause the child to be in an out-of-home placement and there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care and control in the near future.”

¶7 Although Jackson claims the juvenile court erred in terminating his parental rights, he has not identified any error. He seems to suggest that, despite his poor participation in services,³ he was “able to function as a parent.” But Jackson has not sufficiently developed an argument that termination was not warranted in this case, and his failure to do so constitutes waiver. See *Christina G. v. Ariz. Dep’t of Econ. Sec.*, 227 Ariz. 231, n.6 (App. 2011) (failure to develop argument on appeal results in abandonment and waiver of issue).

¶8 In any event, we have reviewed the record and the juvenile court’s ruling. In light of its “thorough findings of fact and sustainable conclusions of law with respect to both the statutory grounds for severance and the children’s best interests, we believe little would be gained by our

³Indeed, he also describes his participation in services as “simply *de minimis*.”

further ‘rehashing the trial court’s correct ruling’ in our decision.” *Jesus M.*, 203 Ariz. 278, ¶ 16 (quoting *State v. Whipple*, 177 Ariz. 272, 274 (App. 1993)).

¶9 We affirm the juvenile court’s order terminating Jackson’s parental rights as to J.C. and L.C.